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Attorneys for Defendant PLAID INC.

19 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
20 OAKLAND DIVISION

21 IN RE PLAID INC. PRIVACY  
22 LITIGATION

Master Docket No.: 4:20-cv-03056-DMR

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

24 THIS DOCUMENT RELATES TO:  
25 ALL ACTIONS

Hon. Donna M. Ryu  
Date: February 11, 2021  
Time: 1:00 p.m.  
Courtroom: 4, 3rd Floor

1 Pursuant to Civil Local Rule 16-10(d), Plaintiffs Caroline Anderson, James Cottle, Rachel  
 2 Curtis, David Evans, Logan Mitchell, Alexis Mullen, Jordan Sacks, Frederick Schoeneman, Gabriel  
 3 Sotelo, Jeffrey Umali, and Nicholas Yeomelakis (“Plaintiffs”) and Defendant Plaid, Inc. (“Plaid”)  
 4 respectfully submit this Joint Case Management Conference Statement for the February 11, 2021  
 5 Case Management Conference.

6 **PROCEDURAL STATUS**

7 On July 29, 2020, this Court consolidated the related actions *Cottle v. Plaid*, No. 4:20-cv-  
 8 03056-DMR, *Mitchell v. Plaid Inc.*, No. 3:20-cv-04230-SK, *Curtis et al. v. Plaid Inc.*, No. 4:20-cv-  
 9 04344-DMR, and *Anderson et al. v. Plaid Inc.*, No. 3:20-cv-04480-JSC, and appointed Plaintiffs’ Co-  
 10 Lead Counsel and a Plaintiffs’ Steering Committee (Dkt. 67). Plaintiffs’ Consolidated Class Action  
 11 Complaint was filed on August 5, 2020 (Dkt. 61, the “Complaint”).

12 On September 25, 2020, this Court denied an administrative motion to continue the Initial  
 13 Case Management Conference and stay discovery (Dkt. 89). The parties conducted their Rule 26(f)  
 14 conference on September 30, 2020. The Initial Case Management Conference was held on October  
 15 7, 2020 (Dkt. 94).

16 On September 14, 2020, Plaid filed a motion to dismiss the Complaint, which was fully  
 17 briefed on December 11, 2020 (Dkt. 78, 108, 111). Also pending before the Court are Plaid’s  
 18 Request for Judicial Notice (Dkt. 81, 109, 112), Plaintiffs’ Request for Judicial Notice (Dkt. 110),  
 19 Plaid’s Supplemental Request for Judicial Notice (Dkt. 113), and Plaintiffs’ motion for leave to file a  
 20 Supplemental Request for Judicial Notice (Dkt. 115). Plaid’s motion to dismiss the Complaint will  
 21 be heard on February 11, 2021, the same date as the Case Management Conference (Dkt. 114). A  
 22 schedule has not been set for further proceedings.

23 **DISCOVERY**

24 Discovery has commenced. The parties exchanged Rule 26 initial disclosures on October 5,  
 25 2020. Following meet and confer discussions, Plaid intends to serve Amended Initial Disclosures by  
 26 February 11, 2021.

27 Plaintiffs served their First Set of Requests for Production to Plaid on October 27, 2020, and  
 28 Plaid served Objections and Responses on December 11, 2020. The parties are currently in the

1 process of meeting and conferring concerning Plaintiffs' Requests and Plaid's Objections.

2 Pursuant to this Court's order of October 7, 2020 (Dkt. 94), the parties filed a proposed Joint  
 3 Stipulated Protective Order on October 30, 2020 (Dkt. 106), which was approved on November 9,  
 4 2020 (Dkt. 107). With respect to a proposed stipulated ESI Protocol, the parties have met and  
 5 conferred regarding evidence preservation, appropriate custodians, and Plaid's data storage and  
 6 systems. Those discussions are ongoing.

7 Lastly, the parties propose a schedule to facilitate the timely progress of discovery, class  
 8 certification, and trial, as set forth under "Scheduling," below.

9 **SETTLEMENT AND ADR**

10 The parties have agreed to participate in a full-day mediation on February 16, 2021 before the  
 11 Hon. Jay C. Gandhi (Ret.) to discuss the potential resolution of this matter. Plaid has produced  
 12 documents and information to Plaintiffs' Co-Lead Counsel under Federal Rule of Evidence 408 for  
 13 settlement purposes only.

14 **SCHEDULING**

15 The parties have met and conferred about a potential pretrial schedule, and propose the  
 16 following schedule:

18 <b>Event</b>	19 <b>Proposed Date</b>
20 Deadline for substantial completion of document production and production of complete privilege logs	8/31/2021
21 Close of fact discovery	11/15/2021
22 Plaintiffs serve class certification motion and Rule 23 expert witness report(s), if any	1/12/2022

1	Plaid serves class certification opposition and Rule 23 expert witness report(s), if any	3/9/2022
2		The parties agree that the deposition of the opposing party's experts will occur before the deadlines for the opposition and reply briefs on class certification so that such testimony may be used in the briefing.
3	Plaintiffs serve reply in support of motion for class certification and rebuttal expert report(s), if any	5/4/2022
4		
5		
6		
7	Class certification hearing	6/9/2022
8		
9		

10 The parties respectfully suggest that the schedule for further proceedings and any further  
 11 discovery should be addressed in a Case Management Conference to be scheduled at the Court's  
 12 convenience, but preferably within one month, following the Court's Rule 23 decision.

13 **OTHER MATTERS**

14 The parties at this time do not request the attention of the Court with respect to matters other  
 15 than those outlined above.

16  
 17  
 18 Dated: February 4, 2021

*/s/ Rachel Geman*

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7 Dated: February 4, 2021

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### **Filer's Attestation**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: February 4, 2021 /s/ *Rachel Geman*  
Rachel Geman  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP